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**THIS DISPOSITION
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Paper No. 9
DEB

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Zenith Products Corporation

Serial No. 75/549,127

Edgar A. Zarins of Masco Corporation for Zenith Products Corporation.

Rebecca Gilbert, Trademark Examining Attorney, Law Office 113
(Odette Bonnet, Acting Managing Attorney).

Before Walters, Wendel and Bucher, Administrative Trademark Judges.

Opinion by Bucher, Administrative Trademark Judge:

Zenith Products Corporation has filed a trademark application to register the mark COUNTRY COTTAGE for goods identified as amended as "bathroom cabinets and bathroom shelving" in International Class 20.¹

The Trademark Examining Attorney has finally refused registration on the ground that applicant's mark is merely

¹ Serial No. 75/549,127, filed September 8, 1998, based upon an allegation of a *bona fide* intention to use the mark in commerce.

descriptive of its goods, under Section 2(e)(1) of the Trademark Act, 15 U.S.C. 1052(e)(1).

Applicant has appealed. Both applicant and the Examining Attorney have filed briefs, but applicant did not request an oral hearing. We affirm the refusal to register.

The Trademark Examining Attorney contends that the mark COUNTRY COTTAGE merely describes a style of furniture or interior décor. In support of this position, she has placed into the record stories from the LEXIS/NEXIS database and from the Internet. In response, applicant argues that consumers would not be able to determine from the COUNTRY COTTAGE mark that the goods were bathroom cabinets.

The test for determining whether a mark is merely descriptive is whether the involved term immediately conveys information concerning a quality, characteristic, function, ingredient, attribute or feature of the product or service in connection with which it is used, or intended to be used. In re Bright-Crest, Ltd., 204 USPQ 591 (TTAB 1979); In re Engineering Systems Corp., 2 USPQ2d 1075 (TTAB 1986). It is not necessary, in order to find a mark merely descriptive, that the mark describe each feature of the goods, only that it describe a single, significant quality, feature, etc. In re Venture Lending Associates, 226 USPQ 285 (TTAB 1985). Further, it is well established that the determination of mere

descriptiveness must be made not in the abstract or on the basis of guesswork, but in relation to the goods or services for which registration is sought, the context in which the mark is used, and the impact that it is likely to make on the average purchaser of such goods or services. In re Recovery, 196 USPQ 830 (TTAB 1977).

In the case before us, we agree with the Trademark Examining Attorney that COUNTRY COTTAGE is merely descriptive in connection with the identified bathroom furnishings. From the Internet evidence placed in the record by the Trademark Examining Attorney, it seems that the term is most frequently used in advertisements placed by Realtors, rental agents or innkeepers to describe a style of décor:²

Comfortable and charming, each [cottage] is decorated individually in a *country cottage style* with comfy beds, good lighting and quality furnishings. (www.bedandbreakfast.com December 13, 1999)

Decorated throughout in a tasteful *country cottage style*, this lovely Key Biscayne home

² We note that of the nine LEXIS/NEXIS excerpts attached to the April 1, 1999 Office action, only the first one was from a domestic newspaper, *The Florida Times-Union*. One excerpt was from a newswire service story and hence is of limited probative value because it is not clear that such a story has appeared in any publication available to the consuming public. See, In re Marico Inc., 24 USPQ2d 1938 (TTAB 1992); and In re Men's International Professional Tennis Council, 1 USPQ2d 1917 (TTAB 1986). Further, seven excerpts were taken from foreign newspapers - primarily from the U.K., where this particular décor style likely originated.

However, the Internet excerpts shown herein, which were attached to the Final Office action of December 15, 1999, do support the contention of the Trademark Examining Attorney that this term is recognized as a style of furnishing or decorating.

provides a vacation experience unlike any other. (www.key-biscayne.com December 13, 1999)

The Three Sisters - Small and cozy *Country Cottage décor* with a charming trellis look. (www.campbellhouse.com December 13, 1999)

The Pratt Family - Charming *country cottage style*, decorate in warm hunter greens and fall colors. (www.campbellhouse.com December 13, 1999)

The Inn on Trout River ... Guest rooms are furnished in either country Victorian or English *country cottage style*, and have queen-sized beds with down quilts. (www.inns.com December 13, 1999)

Although the term "country cottage," considered in the abstract, might well not call to mind bathroom cabinets or shelving, that is not the appropriate test. Applicant has provided no evidence that in connection with these bathroom furnishings, the term would be perceived by the relevant public as anything other than a style of décor. Considering the term in the context of the goods as described in the application, as we must, the term "country cottage" directly conveys information about the style of applicant's goods. This conclusion is not contradicted by any other evidence in the record.

Decision: The refusal to register is affirmed.